

MEMO ENDORSED

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: July 7, 2025

July 2, 2025

By ECF

Hon. Andrew L. Carter Jr.
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: SEC v. Zhabilov, et al., No. 1:24-cv-07362

Dear Judge Carter:

Pursuant to the Court's order of June 27, 2025 (ECF No. 82), Plaintiff Securities and Exchange Commission (the "SEC") and (a) Defendants Stephen E. Apolant and Sky-Direct LLC, Relief Defendants NY Farms Group, Inc. and Equity Markets LLC ADV (the "Apolant Defendants"); (b) Defendants Charles Dilluvio and Seacor Capital, Inc. (the "Dilluvio Defendants"); and (c) Defendant Harry Zhabilov (together with the Apolant and Dilluvio Defendants, "Moving Defendants") respectfully submit this status report and proposed briefing schedule for the Court's consideration.

1. Consolidation of Motions to Dismiss

Moving Defendants have conferred and respectfully seek leave to file (a) a joint motion to dismiss on behalf of the Apolant and Dilluvio Defendants, and (b) a separate motion on behalf of Mr. Zhabilov. Moving Defendants respectfully submit that a single consolidated motion would be impracticable due to differences in allegations and claims against them and the legal arguments raised in their pre-motion letters.

2. Proposed Briefing Schedule

The SEC and Moving Defendants have conferred and propose the following briefing schedule on the motions to dismiss:

Moving briefs to be filed:	August 11, 2025
Opposition brief(s) to be filed:	September 9, 2025
Reply briefs to be filed:	September 23, 2025

3. Appearance of Defendants Billy V. Ray, Jr. and Camelot Nevada Trust

Defendants Ray and Camelot Nevada Trust have informed the undersigned counsel that they prefer to communicate directly with the Court regarding their intent to appear in the case.

* * *


We thank the Court for its attention to this matter.

Hon. Andrew Carter Jr.
July 2, 2025
Page 2

Respectfully submitted,

SECURITIES AND EXCHANGE
COMMISSION

PASHMAN STEIN WALDER HAYDEN,
P.C.

By: 

Marc Jonathan Jones
Rua M. Kelly
Nita Kumaraswami Klunder

By: s/David N. Cinotti


Jerome M. Selvers
David N. Cinotti

*Attorneys for Plaintiff Securities and
Exchange Commission*

*Attorneys for Defendants Stephen E.
Apolant and Sky-Direct LLC and
Relief Defendants NY Farms Group, Inc. and
Equity Markets ADV LLC*

HERRICK, FEINSTEIN LLP

DARROW EVERETT LLP

By: 

Arthur Glenn Jakoby
Maxim Mordecai Lebowitz-Nowak
Michael Ryan Feeney

By: _____
Evan J. Gotlob

*Attorneys for Defendants Charles Dilluvio
and Seacor Capital, Inc.*


Attorneys for Defendant Harry Zhabilov

Hon. Andrew Carter Jr.
July 2, 2025
Page 2

Respectfully submitted,

SECURITIES AND EXCHANGE
COMMISSION

PASHMAN STEIN WALDER HAYDEN,
P.C.

By: 
Marc Jonathan Jones
Rua M. Kelly
Nita Kumaraswami Klunder

By: _____
Jerome M. Selvers
David N. Cinotti


*Attorneys for Plaintiff Securities and
Exchange Commission*

*Attorneys for Defendants Stephen E. .
Apolant and Sky-Direct LLC and
Relief Defendants NY Farms Group, Inc. and
Equity Markets ADV LLC*

HERRICK, FEINSTEIN LLP

DARROW EVERETT LLP

By: _____
Arthur Glenn Jakoby
Maxim Mordecai Lebowitz-Nowak
Michael Ryan Feeney

By: 
Evan J. Gotlob

*Attorneys for Defendants Charles Dilluvio
and Seacor Capital, Inc.*

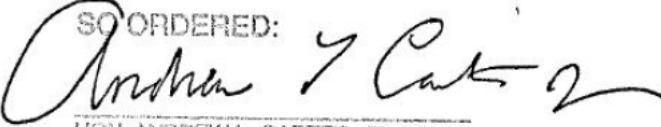
Attorneys for Defendant Harry Zhabilov

The Moving Defendants' requests for leave to file their motions to dismiss is hereby **GRANTED**. The Moving Defendants may file two motions to dismiss, one on behalf of Mr. Zhabilov and one on behalf of the Apolant and Dilluvio Defendants. The Court hereby enters the following briefing schedule:

Moving briefs to be filed: August 11, 2025

Opposition brief(s) to be filed: September 9, 2025

Reply briefs to be filed: September 23, 2025

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
July 7, 2025
New York, New York